



Public Comment Form

Cascade County Public Works Department Planning Division
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Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form. Completed forms may be submitted in person at the Planning Division office or by email at planningcomments@cascadecountymt.gov.

Commenter Information

Name: Carolyn K. Craven

Complete Address: 101 14th Avenue South, Great Falls MT 59405

Comment Subject (please check one):

- ☐ Special Use Permit Application ☐ Subdivision ☐ Zoning Text and/or Map Amendment
☒ Growth Policy ☐ Variance ☐ Floodplain Regulation Amendment
☐ Subdivision Regulation Amendment ☐ County Road Abandonment/ Discontinuation of County Street
☒ Other (describe): Proposed Zoning Changes Cascade County

Comment

Please see attached written comments. Thank you!

Comments Submitted

03.08.19

03.12.19

03.15.19

03.21.19

03.23.19

03.25.19

03.26.19

Please note I agree with comments submitted by Tammie Lynne Smith, Conn & Naomi McElvey, Nate Kluz, Dr. Cheryl Reichert, Charles Bocock, Missouri River Citizens, Michael & Deborah Jenkins, Arlyne Reichert

4-14-19

4-15-19

For Office Use Only

Date Received:	<u>4-15-19</u>	Date Reviewed:	<u>4-15-19</u>	Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Carolyn K. Craven
101 14th Avenue South
Great Falls, MT 59405

April 15, 2019

PUBLIC COMMENTS ON CASCADE COUNTY PROPOSED ZONING CHANGES

GROWTH POLICY

Thank you to Chairman Merja and the members of the Planning Board for accommodating requests for the later time and larger venue used for the March public meeting and for reading and responding to the public comments to date.

There have been numerous public comments recommending that the 2014 Growth Policy be updated via a series of public input sessions prior to even thinking about changing any zoning regulations. Below please find references from *MT Code Annotated*, *MT Local Government Board Handbook 2011*, *MT Planning Board Members Handbook 2009*, *MT Growth Policy Resource Book 2009*, *MT Dept of Commerce Community Needs Assessment 2007*, and *Cascade County Growth Policy 2014* to reinforce the legal and ethical requirements to update the Growth Policy, which is due to be updated in May 2019. Based on the recommendations in these documents, it is likely that a Growth Policy update with numerous opportunities for public input via small groups and public meetings could easily take several months prior to beginning any possible zoning changes. I am respectfully requesting that the Planning Board will vote to “take some other action related to preparation of a growth policy” (SB 326) and vote to “prepare a growth policy to promote public health, safety, morals, convenience, general welfare, efficiency, and the economy” (MCA 76-1-106). I also respectfully request that the Planning Board provide numerous opportunities and venues for public input for a revised Growth Policy over the next several months. The information below provides several pertinent references from these documents as the basis for these requests.

“Positive change requires a clear mandate, open meetings, succinct explanations, and plenty of opportunity for public input”. Arlyne Reichert, Public Comments 3-9-19

References

- ❖ The 2003, Montana Legislature amended the 1999 growth policy statute through SB 326. The amended statute “Authorizes the planning board to recommend that a growth policy be adopted or not adopted or recommend that the governing body take some other action related to preparation of a growth policy after the public hearing.
- ❖ Upon request of the public body, “the planning board will prepare a growth policy to promote public health, safety, morals, convenience, general welfare, efficiency, and the economy”. (MCA 76-1-106)

1) MONTANA CODE ANNOTATED (MCA) 76-1-601

Development of a Growth Policy (76-1-601, MCA): In Montana, a growth policy is an official public document adopted and used by local governments as a general guide for decisions regarding the community's physical development. Growth policies were previously known as, and you may still hear them referred to, as "master plans" or "comprehensive plans." A growth policy itself is not a regulatory document; rather, it is an official statement of public policy to guide growth and manage change for the enhancement of the community.

2) Excerpts from MONTANA CODE ANNOTATED 76-2-203

Criteria and guidelines for zoning regulations.

(1) Zoning regulations must be:

- (a) made in accordance with the growth policy; and
- (b) designed to:
 - (i) secure safety from fire and other dangers;
 - (ii) promote public health, public safety, and general welfare; and
 - (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(2) In the adoption of zoning regulations, the board of county commissioners shall consider:

- (a) reasonable provision of adequate light and air;
- (b) the effect on motorized and nonmotorized transportation systems;
- (c) compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;
- (d) the character of the district and its peculiar suitability for particular uses; and
- (e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

(3) Zoning regulations must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities. History: Sec. 4, Ch. 246, L. 1963; R.C.M. 1947, 16-4704; and. Sec. 15, Ch. 582, L. 1999; and Sec 3, Ch. 87, L. 2003; and. Sec. 7, Ch. 446, L. 2009.

3) Excerpts from MT LOCAL GOVERNMENT BOARD HANDBOOK 2011

The planning board serves to advise the local governing body. The board may propose policies for: subdivision plats; development of public ways, places, structures, and utilities; issuance of improvement location permits; and laying out public ways and services. Upon request of the public body, the planning board will prepare a growth policy to promote public health, safety, morals, convenience, general welfare, efficiency, and the economy (MCA 76-1-106). The governing authorities shall also require the county planning board to recommend boundaries and appropriate regulations for the various zoning districts (76-2-204).

4) Excerpts from MT PLANNING BOARD MEMBERS HANDBOOK 2009

- County Planning Board, 76-1-211, MCA
 - At least one member of a county planning board must be a member of the governing board of a conservation district.
- Definitions 6-1-103. As used in this chapter, the following definitions apply:
 - (4) "Growth policy" means a comprehensive development plan, master plan, or comprehensive plan that was adopted pursuant to this chapter before October 1, 1999, or a policy that was adopted pursuant to this chapter on or after October 1, 1999. (p113)

- Relationship with Governing Body
 - As mentioned before, the planning board serves in an advisory function to the governing body (76-1-106, MCA). This combination of planning board recommendations and governing body decisions influences land use in a community. Because the relationship between the two bodies is so important, the two should meet periodically to discuss issues regarding community planning and land-use policy. If the governing body has certain policies it wishes to pursue, the planning board needs to understand them, and how the governing body would like to achieve them. Conversely, the planning board members should share their concerns and ideas with the governing body. Ultimately, the two entities may not agree on policy or how to implement it, but at least each will be informed so they can make decisions and recommendations accordingly.
- Community planning entails a lot of time, work and resources. It includes making difficult decisions and is neither quick nor easy. Ultimately it should be a process that benefits all Montanans by providing:
 - Sustainable rural lifestyles and vibrant cities and towns.
 - Conservation of rural landscapes.
 - Balance between economic growth and quality of life.
 - Education and engagement of the public.
 - A sound basis for land use decisions. (p22)
- Conservation of Landscapes
 - Planning can help conserve landscapes which provide important public benefits such as wildlife habitat, storage of floodwaters, groundwater recharge and view sheds that would be difficult and expensive to replace if damaged. (p23)
- In order for zoning regulations to be effective and legally sound, they must be developed in a manner that is consistent with the goals and objectives found in a community's growth policy. (p29)
- Public participation is not only required under statute, but local governments must encourage participation by developing local procedures for such purposes. Section 2-2-103, MCA, states that "Each agency shall develop procedures for permitting and encouraging the public to participate in agency decisions that are of significant interest to the public. The procedures must ensure adequate notice and assist public participation before a final agency action is taken that is of significant interest to the public." Adequate notification is critical for not only ensuring public participation but also to avoid any litigation that could arise for not following statutory procedures. Section 2-3-104, MCA spells out that "An agency shall be considered to have complied with the notice provisions of 2-3-103 if:
 - an environmental impact statement is prepared and distributed as required by the Montana Environmental Policy Act, Title 75, chapter 1;
 - a proceeding is held as required by the Montana Administrative Procedure Act;
 - a public hearing, after appropriate notice is given, is held pursuant to any other provision of state law or a local ordinance or resolution; or
 - a newspaper of general circulation within the area to be affected by a decision of significant interest to the public has carried a news story or advertisement concerning the decision sufficiently prior to a final decision to permit public comment on the matter." (p33)

5) Excerpts from MT GROWTH POLICY RESOURCE BOOK 2009

- The purpose of this publication is to help local officials and Montana citizens understand how they can work to manage change and preserve the quality of life in their communities through the tools provided by Montana's planning statute.

** In this publication, the term "community" or "communities" will be used broadly to include all of Montana's general-purpose local governments, towns, cities, and counties.*

- The Montana Environmental Quality Council report, *Planning for Growth in Montana*, identified several benefits of community planning, including the following:
 - 1) *Fosters wise and thoughtful investments in major public facilities, such as roads, water and sewer systems, solid waste, and fire protection.*
 - 2) *Makes communities safer and healthier by encouraging well-designed streets, protecting water quality, and deterring development in unsuitable areas such as floodplains, wetlands, fault zones, and unstable slopes.*
 - 3) *Helps to make a community more attractive to investment by businesses and industries.*
 - 4) *Protects special community values, such as historic, cultural, scenic and natural features, or rural, agricultural character.*
 - 5) *Builds public consensus and greater understanding of issues within the community.*
 - 6) *Promotes affordable housing.*
 - 7) *Identifies growth patterns that minimize the cost to provide local services and infrastructure.*
 - 8) *Maintains property values for residential, commercial, and industrial properties by preventing nearby incompatible or degrading uses.*
 - 9) *Ensures that adequate amounts of suitable land are available for residential, commercial, and industrial growth.*
- Many communities find that their land use policies are written after the fact as a consequence of subdivision review, rather than in advance through a thoughtful process of community planning.
 - A statement in the Great Falls City-County Comprehensive Plan sums up why any community, growing or declining, should plan for its future:
 - **"Planning allows the community to envision its future and proactively work to achieve it, instead of just reacting and moving from one short-range, quick-fix solution to another, as events occur."**
- In the 2003, Montana Legislature amended the 1999 growth policy statute through SB 326. The amended statute:
 - Authorizes the planning board to recommend that a growth policy be adopted or not adopted or recommend that the governing body take some other action related to preparation of a growth policy after the public hearing.
(Under the previous statute, the planning board was only authorized to recommend the proposed growth policy, regardless of the comments received at the public Hearing.
(p11)

- Section 76-1-601, MCA identifies several elements that must be addressed as part one of the growth policy. The statute does not define the extent to which each element must be described. The **required** elements include: *[among ten total required elements]* (p13)
 - Community goals and objectives;
 - Maps and text that describe the existing characteristics and features of the jurisdictional area (including information on land uses, population, housing needs, economic conditions, local services, public facilities, natural resources, and other characteristics);
- In order for zoning to be effective (and legal), the zoning regulations must be consistent with the goals and objectives identified in the growth policy. (p46)
- Under Montana statute, planning boards are the only public entities authorized to prepare growth policies. Creating a growth policy takes considerable time and effort by the planning board and its planning staff or consultant. The more thorough the process is, the more time will be necessary for completing the plan, developing the implementation tools, and carrying out the policy. (p15)
 - It should be noted that MCA sections 76-1-601(2)(f)(ii) and (iii), require the local government to include as part of the growth policy *"a list of conditions that will lead to a revision of the growth policy; and a timetable for reviewing the growth policy at least once every 5 years and revising the policy, if necessary."* It is during this review that a community should determine if the existing goals and objectives are still appropriate or if they need to be updated. (p21)
- One of the most important phases of the development of a growth policy is the articulation of community goals and objectives. The development of goals and objectives provides the philosophical framework for the growth policy. The growth policy goals and objectives are statements describing the way the community wants to develop socially, economically, and physically. They are intended to guide the growth and development of the city, town, county, or other planning area covered by the growth policy. (p18)
- The EQC report, *Planning for Growth in Montana*, encourages a "community visioning process" as a preliminary step in defining goals and objectives. "Community visioning" is defined as "a process through which a community imagines the future it most desires and then plans to achieve it." According to the EQC report, an advantage of this approach is that it results in a positive statement and emphasizes areas of agreement. (p18)
 - The EQC report *"concluded that more emphasis must be placed on planning and implementation measures rather than relying on subdivision review alone to address growth."*
- Since the goals and objectives are the foundation for the growth policy, broad public participation in the formation of those goals and objectives is crucial to assure the success in developing the growth policy and implementing it. Public participation in local decision making is fundamental to our democratic process of government. Public participation cannot be ignored, or poorly planned and carried out. While successful citizen participation is a crucial element in developing a growth policy, it is also possibly the greatest challenge in the process. (p22)

- The growth policy must describe the projected long-term trends for each of the inventory items and other elements proposed by the planning board and adopted by the governing body. (p24)
- A land use study is basic to effective land use planning and to the use of implementation tools as zoning or subdivision regulations. A land use study analyzes the way in which community lands are being used: (residential, commercial, industrial, agriculture, public, transportation). Sometimes information may be easier to analyze in tables or charts. However, maps depicting information are likely to be more easily understood by the general public. Therefore, most land use studies use maps show various information (e.g. topography, vegetation, parcel density, road networks), supported by descriptive, analytical narrative and documentation. One of the best ways to begin a land use study is by creating base maps. These are maps that visually show you the inventory of your community: roads, parcels, public facilities, lakes, streams, rivers, vegetation, wildlife, floodplains etc. (p25)
- Closely related to projected land use is the topic of access and transportation. The physical layout and spatial arrangement of the land uses have to be logically related to a transportation network that provides efficient movement of people and goods. (p29)
- Along with the land use study, the physical and environmental characteristics and constraints of a community must be assessed within the geographic limits of the planning area. Physical and environmental characteristics and constraints are some of the most important factors in determining which areas are most appropriate for development. In this element of the growth policy, information on topography, slope, geology, soils, vegetation, hydrology, wildlife, climate, flood and earthquake hazards, and other topics are presented. The interrelationships between different physical and environmental characteristics and suitability for development, human activities, and land uses should be considered. It is especially important that environmental constraints for different types of land development activities and land use activities be identified. Key natural (i.e. prime agricultural lands, big game winter range, wetlands, floodplains) and historical or archaeological resources that may need additional protection or accommodation should also be identified. (p33)
- MCA 76-1-601(2)(c) requires *"projected trends for the life of the growth policy for each of the following elements: land use; population; housing needs; economic conditions; local services; natural resources; and other elements proposed by the planning board and adopted by the governing bodies"* be included as part of the growth policy. (Note that the only topic described in the data-gathering section above that is not included here is public facilities. That is because the statute specifically requires the development of *"a strategy for development, maintenance, and replacement of public infrastructure, including drinking water systems, wastewater treatment facilities, sewer systems, solid waste facilities, fire protection facilities, roads, and Bridges"*). (p35)
- MCA 76-1-601(2)(d) requires that the growth policy must have *"a description of policies, regulations, and other measures to be implemented in order to achieve the goals and objectives established pursuant to [this planning process]."* (p37)

- Summary: A variety of background information and studies are undertaken to produce a greater understanding of the community, and as preparation for guiding growth. Such broad topics as economics, population, land use, transportation, physical land characteristics, public facilities, public services and housing are examined in varying detail, related to each other. Information sources include published and unpublished documents, private citizens in the local communities, and local, state, and federal public agencies or non-profit organizations. Those characteristics and items capable of being mapped are graphically displayed on base maps of the planning area. Visually depicting such information through maps, charts, or graphs helps the public to discern physical relationships and the public and local officials to draw conclusions and develop action plans. A summary of any related background or special studies should be made available for public review in an easily understandable format. (p36)

6) Excerpts from CASCADE COUNTY GROWTH POLICY 2014

- The Cascade County Growth Policy serves as a comprehensive plan to provide guidance on decisions regarding land development and public investments.
 - Because growth policies have a significant impact on the ability to develop private land, a thorough public involvement process is critical to formulating these strategies.
 - This growth policy's designated growth areas are the result of time intensive public involvement efforts.
- The first Cascade County Development Plan was created "through the use of community surveys, citizen advisory committees, public hearings, and citizen comments (Cascade County Growth Plan 2014, (p11))
- Subsequent iterations of the Cascade County Growth Plan involved extensive public involvement including "public hearings, conducted in Monarch, Sun River, Centerville, Cascade, Belt and Great Falls" with opportunities for additional public input, ideas and suggestions.
- In the current 2014 Cascade County Growth Plan, the authors stated that "more extensive updates to the Growth Policy may require a re-write with additional public participation in the future".
(p12)

I strongly urge we follow the above recommendations of our county leaders!

- In Chapter 3, Public Participation, of this 2014 Growth Policy, the authors wrote that:
 - Since the goals and objectives are the foundation for the growth policy, broad public participation in the formation of those goals and objectives is crucial to assure the success in developing the growth policy and implementing it. Public participation in local decision making is fundamental to our democratic process of government.
 - Public participation cannot be ignored, or poorly planned and carried out. While successful citizen participation is a crucial element in developing a growth policy, it is also possibly the greatest challenge in the process.
 - Good public participation can highlight concerns and issues not always apparent to the local planners or officials. It can provide a voice for diverse interests and helps a community "buy into" the reasons for a growth policy. If the public has been part of the process then they will have "ownership" of the final document. An additional benefit of public participation is that when properly documented, it gives significant legal support to the growth policy when it is officially adopted by local government. Growth policies that reflect the vision of a community through citizen participation and that comply with Montana's statutory requirements will generally withstand most legal challenges.

7) Excerpts from COMMUNITY NEEDS ASSESSMENT PROCESS / MT DEPT OF COMMERCE 2007

"The future now depends on people all over the country working together to make things better in their particular place. It depends on people in different kinds of places - large and small towns, urban and rural neighborhoods - asking themselves what can we do to make this community a more hopeful place to be young, a more rewarding place to work, and a more friendly place to grow old."

Alice Rivlin, former Director of the Congressional Budget Office & Vice-Chair of the Federal Reserve Board

- This can be an excellent opportunity to ask "what's good about our community and how can we make it better?" Identify the positive aspects of the community and develop a strategy for building upon them to make the community an even better place to live.

Thank you for the opportunity to submit public comments.

Respectfully submitted,



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